

Hope Irvin, et al. v. Katherine Wright, et al.  
Steve Altman

November 24, 2015  
15cv00550 SCY-KBM

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

No. 15cv00550 SCY-KBM

HOPE IRVIN, as Personal Representative  
of the ESTATE OF VINCENT WOOD, Deceased,  
Plaintiff,

vs.

KATHERINE WRIGHT, individually and in her  
Official capacity as an Albuquerque Police Officer  
JEFFREY BLUDWORTH, individually and in his  
Official capacity as an Albuquerque Police Officer,  
and CITY OF ALBUQUERQUE,  
Defendants.

DEPOSITION OF STEVE ALTMAN

November 24, 2015

9:00 a.m.

Trattel Court Reporting & Videography

609 12th Street, NW

Albuquerque, New Mexico 87102

PURSUANT TO THE NEW MEXICO RULES OF CIVIL  
PROCEDURE THIS DEPOSITION WAS:

TAKEN BY: MS. FRANCES C. CARPENTER  
ATTORNEY FOR THE PLAINTIFF

REPORTED BY: Penny E. McAlister, CCR, NM CCR #250  
TRATTEL COURT REPORTING & VIDEOGRAPHY  
P.O. Box 36297  
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Plaintiff's Motion for Summary Judgment  
Exhibit 8, Page 1 of 14

Hope Irvin, et al. v. Katherine Wright, et al.  
Steve Altman

November 24, 2015  
15cv00550 SCY-KBM

<p style="text-align: right;">Page 6</p> <p>1 right?</p> <p>2 A. It's been a long time. One time, yes.</p> <p>3 Q. One time prior to this?</p> <p>4 A. Correct.</p> <p>5 Q. Oh, wow. Okay. Do you know how long ago that</p> <p>6 was?</p> <p>7 A. I would say ten years ago.</p> <p>8 Q. So you started APD Academy in 2001. Do you have</p> <p>9 a master's? Have you gotten your master's?</p> <p>10 A. I have not, no.</p> <p>11 Q. You have not. Are you working towards your</p> <p>12 master's?</p> <p>13 A. I was thinking about going back to school, but --</p> <p>14 Q. I don't know why I thought that.</p> <p>15 A. No, I do not have a master's, no. I plan --</p> <p>16 actually plan to.</p> <p>17 Q. Good.</p> <p>18 A. But it's just time, and I also have children, and</p> <p>19 it's a lot.</p> <p>20 Q. Yes. I understand that. 2001 academy. When did</p> <p>21 you graduate from the academy?</p> <p>22 A. December 2001.</p> <p>23 Q. What class were you?</p> <p>24 A. 84th.</p> <p>25 Q. Have you been with APD ever since 2001?</p>	<p style="text-align: right;">Page 8</p> <p>1 things that come into the chief's office, scheduling.</p> <p>2 Basically, it's just like a ton of things really. They</p> <p>3 just all -- people have questions, they come to me.</p> <p>4 Q. When you say Emergency Response Team, what does</p> <p>5 that mean?</p> <p>6 A. Emergency Response Team is also a team I've been</p> <p>7 a part of for about five years. That's the team that</p> <p>8 basically deals with riots, civil unrest, disturbances,</p> <p>9 declared emergencies, natural disasters, things like that.</p> <p>10 Q. Big deal kind of stuff?</p> <p>11 A. Yeah.</p> <p>12 Q. Do you guys work with Homeland Security in</p> <p>13 regards to your Emergency Response Team?</p> <p>14 A. Some. Some.</p> <p>15 Q. Yes. Okay. The date of the incident in this</p> <p>16 case is July of 2013. Can you tell me, what was your</p> <p>17 employment at that time?</p> <p>18 A. At that time, I was a field sergeant in the</p> <p>19 Northeast Heights. It would have been team -- we've kind</p> <p>20 of changed the teams up. So it would have been Team 9 at</p> <p>21 the time, which was a -- basically a split between swing</p> <p>22 and graveyard. It was a time of -- start time of 6:00 p.m.</p> <p>23 and end time of 4:00 a.m.</p> <p>24 Q. So officers would come in at 6:00 a.m. in the</p> <p>25 morning --</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Correct.</p> <p>2 Q. And you're a lieutenant now?</p> <p>3 A. Correct.</p> <p>4 Q. Tell me about your -- how you -- how and when</p> <p>5 you've moved up the ranks.</p> <p>6 A. Okay. I was a patrolman from 2001 to March of</p> <p>7 2009. I then transferred to the DWI squad, and I was there</p> <p>8 from March until December of that year, 2009. I was</p> <p>9 promoted to sergeant December of 2009.</p> <p>10 Q. What were you the sergeant of?</p> <p>11 A. Patrol field. All my time as a sergeant was a</p> <p>12 patrol sergeant, field sergeant.</p> <p>13 Q. Patrol sergeant for a particular area?</p> <p>14 A. Correct, area, particular shift and a particular</p> <p>15 squad officer.</p> <p>16 Q. And what about after that?</p> <p>17 A. After 2009, I was in -- to 2014, to July of 2014,</p> <p>18 I was then promoted to lieutenant, and from then, I have --</p> <p>19 I did basically another year on patrol as a lieutenant, and</p> <p>20 about August of this year, I transferred to operations</p> <p>21 review up at the chief's floor.</p> <p>22 Q. What does that mean to be operations?</p> <p>23 A. Basically, I'm in charge of chaplains units,</p> <p>24 reserve units, the vehicle fleets. I'm in charge of the</p> <p>25 Emergency Response Team, all the day-to-day operations,</p>	<p style="text-align: right;">Page 9</p> <p>1 A. No. I'm sorry, did I say 6:00 a.m.? 6:00 p.m.,</p> <p>2 6:00 p.m. to 4:00 a.m.</p> <p>3 Q. So they come in at 6:00 p.m., and then they would</p> <p>4 work until 4:00 a.m.?</p> <p>5 A. Correct.</p> <p>6 Q. Was Officer Bludworth a part of Team 9?</p> <p>7 A. Correct.</p> <p>8 Q. How long had he been a member of Team 9?</p> <p>9 A. Since the beginning of the bid, usually in about</p> <p>10 June. Every year, we have a field services bid, and he bid</p> <p>11 for that squad, so -- I'm sorry, the date you said was</p> <p>12 July?</p> <p>13 Q. The date of the incident.</p> <p>14 A. So maybe two months, I'm thinking.</p> <p>15 Q. My understanding is at the time of the -- and</p> <p>16 during the course of this deposition, I'm going to say time</p> <p>17 of incident or date of incident, and that, I'm making</p> <p>18 reference to July of 2013.</p> <p>19 A. Okay.</p> <p>20 Q. But if there is any confusion -- if you're</p> <p>21 confused by any of my questions, just let me know that.</p> <p>22 A. Okay.</p> <p>23 Q. I don't want you to guess at any of your -- of</p> <p>24 your answers either.</p> <p>25 A. Okay.</p>

3 (Pages 6 to 9)

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Plaintiff's Motion for Summary Judgment  
Exhibit 8, Page 2 of 14

Hope Irvin, et al. v. Katherine Wright, et al.  
Steve Altman

November 24, 2015  
15cv00550 SCY-KBM

Page 10	Page 12
<p>1 Q. So my understanding is that Blutworth at the time 2 was still on probation, and that officers, when they 3 graduated from the academy, they have to do a certain 4 amount of time with another officer, like a ride -- they 5 have to ride along or something with the other officer. 6 That's kind of going to be my next course of 7 questioning for you, is, what happens when an officer 8 graduates from the academy? How are they supervised? What 9 kind of training are they given? And then when they're 10 moving into a probationary status, if you can kind of 11 explain your understanding of that to me. Thank you. 12 A. Again, the -- so they do usually, give or take, a 13 six-month of Police Academy. They then -- we've 14 actually -- and I was a part of that also. I re- -- I 15 guess redid the Field Training Program. 16 Q. Oh, great. 17 A. So it's now extended even longer, but at this 18 time, it would have been three months long. So he would 19 have done the academy six months, three months additional 20 training, and on-the-job training basically with a 21 certified field training officer. He would have had three 22 of those. 23 Each month, he would have rotated. Who those 24 were, I have no idea. So there is -- there were standards 25 within those three months, and he had to pass each phase,</p>	<p>1 meet with them once a month towards the end of the month 2 and fill out a probationary employee report. 3 Q. I've got some of those, Stephanie sent me last 4 night for Blutworth -- 5 A. Correct. 6 Q. -- that you had given to her; right? 7 A. Correct. 8 Q. You said listen to the radio more. I'm 9 fascinated by that. Are you constantly listening to -- 10 when you're the supervisor, are you constantly listening to 11 all the calls that have to do with your team? 12 A. Correct. Well, the whole area command. 13 Q. The whole area. 14 A. Yes. 15 Q. So you hear every call that comes through? 16 A. Yes. 17 Q. When you say you listen to the radio more, do you 18 just sort of trigger -- is it a trigger in your mind, okay, 19 this is Blutworth, and he's responding to this call, and 20 he's on probation, or how does that work? 21 A. No. No. It would just -- you're just trying to 22 hear the calls, and is this something I should go to? Is 23 this something I should go to rapidly? Is this something 24 that I don't need to worry about? Is this something 25 additional resources should go to? It's just a million</p>
Page 11	Page 13
<p>1 and once he passed those three months, he was then placed 2 on probationary status, but as a solo beat officer. 3 Q. So after three months, you're then put on a solo 4 beat officer, but still under probation? 5 A. Correct. 6 Q. Now, my understanding is that when you're on 7 probation, that means that APD doesn't really have to 8 justify any reasons for termination. That's one of the 9 many elements of you being on probation. Can you tell me 10 some of the other elements of -- the difference between 11 being a solo officer on beat as a PIC, for example, or a 12 solo officer on beat as an officer who's still on 13 probation? 14 A. Correct. There is no difference. A P2C or a 15 PIC, there is no difference, other than they are on 16 probation and ultimately could be terminated by the City 17 for any reason. 18 Q. Are they given any heightened -- I don't know. 19 Are they given any heightened supervision? 20 A. Not really. 21 Q. Not really. 22 A. I mean, I've had multiple patrolmen that graduate 23 and come to me that were on probation, and basically, the 24 only thing you would do is you would kind of monitor their 25 reports a little more, you know, listen to the radio more,</p>	<p>1 things are going through your mind really, because it's 2 kind of -- well, it's your responsibility as a field 3 sergeant. 4 Q. If you hear a call come over the radio, and you 5 think this is going to be a call that I'm going to need 6 some additional resources for, what do you mean by that? 7 Tell me -- give me an -- 8 A. Well, like for this call, example, sending a CIT 9 officer. 10 Q. Did you send the CIT officer directly? 11 A. I did on the radio, yes. 12 Q. You did? 13 A. Correct. 14 Q. And we're going to get into the incident here in 15 a second. I'll follow up on that question. It was O'Guin; 16 right? Do you remember that? 17 A. Correct, O'Guin. 18 Q. O'Guin. Tell me what you have reviewed, and I 19 don't want you to tell me about your conversations with 20 your attorney, but tell me what you reviewed for your 21 deposition. 22 A. I briefly saw parts of my video yesterday. 23 Q. Parts of your video? 24 A. Correct. Yeah. I also reviewed like just the 25 CAD reports.</p>

4 (Pages 10 to 13)

Trattel Court Reporting & Videography  
505-830-0600

Plaintiff's Motion for Summary Judgment  
Exhibit 8, Page 3 of 14

Hope Irvin, et al. v. Katherine Wright, et al.  
Steve Altman

November 24, 2015  
15cv00550 SCY-KBM

Page 14	Page 16
<p>1 <b>Q. Did you review the incident report or anything</b> 2 <b>like a police report --</b> 3 A. No. 4 <b>Q. -- for this? No?</b> 5 A. No. 6 <b>Q. So the video and then the CADs. Anything else?</b> 7 A. I think there was a sheet of probationary 8 release, which I didn't fill out, which was from human 9 resources or something. 10 <b>Q. For Bludworth?</b> 11 A. Yes. 12 <b>Q. Anything else?</b> 13 A. You know, I did see a small segment of 14 Bludworth's video after the incident had occurred. 15 <b>Q. Do you know about House Bill 93?</b> 16 A. I do. 17 <b>Q. Some people call it the heightened -- or the</b> 18 <b>requirement for more CIT training?</b> 19 A. Yes. 20 <b>Q. We're on the same page?</b> 21 A. Correct. 22 <b>Q. Tell me when you first became aware of House Bill</b> 23 <b>93.</b> 24 A. I can't even -- I'm not sure on that. I went 25 through the CIT training class probably in -- if I had to</p>	<p>1 A. No. 2 <b>Q. You were trained -- back in 2003, you said you</b> 3 <b>were a CIT officer, and you were trained. How many calls</b> 4 <b>would you say that you have responded to as a CIT officer</b> 5 <b>in regards to someone who has a mental disability?</b> 6 A. Hundreds. 7 <b>Q. Hundreds. Wow. Okay. Have you ever had the</b> 8 <b>opportunity to hear a call come out from dispatch and say,</b> 9 <b>okay, this person is 40, or has a mental health disorder?</b> 10 A. Hundreds. 11 <b>Q. Hundreds. Okay. And what do you do when you</b> 12 <b>arrive on scene?</b> 13 A. As a sergeant, as a lieutenant, as an officer? 14 I'm not sure of the question. 15 <b>Q. Just as a human, as a person wearing the badge,</b> 16 <b>whether you're a low level officer or a high level officer,</b> 17 <b>is there a difference in the way that you would interact</b> 18 <b>with that person?</b> 19 A. I don't -- I don't think so necessarily, no. 20 <b>Q. So just as you Steve would interact?</b> 21 A. Just, you know, a heightened sense of safety, I 22 would say. You know, you might in the back of your mind 23 know if someone has a mental disability that maybe you 24 should be a little more careful. 25 <b>Q. And how are you trained -- and I'm assuming that</b></p>
Page 15	Page 17
<p>1 guess, 2003 maybe. I was a CIT officer as a patrolman. 2 When I was promoted to sergeant, I remained with the CIT 3 program. I was a Crisis Intervention Team coordinator, 4 which would have been for the whole area command. I did 5 that for two years, and then that was the extent of my CIT 6 involvement. 7 We've had different trainings throughout the 8 year. Recently, just had -- on our PSU programs, we had to 9 do House Bill 93 tests and videos and stuff, so -- 10 <b>Q. Is that the most recent CIT training you've</b> 11 <b>received?</b> 12 A. Correct. 13 <b>Q. Is that the first training you've received in</b> 14 <b>regards to House Bill 93?</b> 15 A. Yes, I believe so. 16 <b>Q. And when was that?</b> 17 A. Well, I'm not sure when that house bill -- the 18 PSU course was just like last week actually. 19 <b>Q. Who was the person that spoke at that training?</b> 20 A. It would have been Detective Matt Tinney and 21 Detec- -- or Dr. -- I think Rosenbaum is his name, 22 Rosenbaum. 23 <b>Q. When you were sitting in this course, Steve, did</b> 24 <b>you learn anything new, something different that you didn't</b> 25 <b>already know?</b></p>	<p>1 <b>you implemented your training when you were responding to</b> 2 <b>these calls; correct?</b> 3 A. Yes. 4 <b>Q. How were you trained to respond to these types of</b> 5 <b>situations involving people with mental disabilities?</b> 6 MS. GRIFFIN: Object to form. Go ahead and 7 answer. Go ahead and answer. I'm just objecting for the 8 record. 9 A. You basically just ensure that you have at least 10 a backup officer is the main thing, that you don't take 11 these calls by yourself. If you have an officer who is 12 crisis intervention trained, start them. It's a little 13 different now than it was then because -- well, the 14 majority of the Police Department is now CIT trained. 15 So you know that now if you took a call -- I'm 16 not sure that you would necessarily request the CIT officer 17 because I think almost everyone now on parole is CIT 18 certified. 19 <b>Q. What about in 2013?</b> 20 A. No. That would be something -- you definitely 21 would try to ensure that you had someone coming, a CIT. 22 <b>Q. When you heard this -- when you -- well, let me</b> 23 <b>keep talking about this and finish up here. So one of the</b> 24 <b>things that you -- the elements that you've pointed out is</b> 25 <b>that you don't take calls by yourself, and I'm going to</b></p>

5 (Pages 14 to 17)

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Plaintiff's Motion for Summary Judgment  
Exhibit 8, Page 4 of 14

Hope Irvin, et al. v. Katherine Wright, et al.  
Steve Altman

November 24, 2015  
15cv00550 SCY-KBM

Page 26	Page 28
<p>1 <b>Q. No. I think that's fine after that. And then</b>  2 <b>let's -- I think we -- let me ask you a question, Steve.</b>  3 <b>Do you see here, it says officer -- you show Bludworth, and</b>  4 <b>then you have Katherine here. It says "Operator," these</b>  5 <b>two entries here.</b>  6 A. Yes. Operator just is their like employee  7 number.  8 <b>Q. Now, is that -- that's just when they were</b>  9 <b>dispatched?</b>  10 A. Correct.  11 <b>Q. Does it indicate --</b>  12 A. Yeah. That's when dispatch gets the call, and  13 then her system logs in as like on the call.  14 <b>Q. So do these officers have to then -- when they</b>  15 <b>hear the call, do Bludworth and Katherine Wright have to</b>  16 <b>say we'll take that call, and then that's what triggers</b>  17 <b>this entry at 19:39:04?</b>  18 A. Sometimes, and sometimes dispatch automatically  19 just assigns them as the people who are going to go handle  20 that call.  21 <b>Q. Is the dispatch able to do that because they can</b>  22 <b>see when officers are in service and out of service?</b>  23 A. Correct.  24 <b>Q. So they will say, okay, well, these officers are</b>  25 <b>in the area. This is their area of command. They're in</b></p>	<p>1 times.  2 <b>Q. Just the audio tapes and times?</b>  3 A. Correct, like the radio dispatch audio tapes.  4 Because, like I said, it's showing me on scene by the log  5 CADS at 19:55, and I've done all these other things prior  6 to being there. So it's not an accurate time that I was on  7 scene.  8 <b>Q. All right. When are officers trained on the</b>  9 <b>Albuquerque Police Department SOPs, Standard Operating</b>  10 <b>Procedures?</b>  11 A. Well, they're not necessarily trained on every  12 single one.  13 <b>Q. Yes.</b>  14 A. I mean, you basically have your -- we go through  15 stuff at the academy, and they're basically responsible for  16 those written orders as soon as they hit the streets  17 really.  18 <b>Q. When you say they're responsible for them, what</b>  19 <b>does that mean?</b>  20 A. Meaning those are, you know, procedures that  21 we're supposed to follow from day one.  22 <b>Q. If you don't follow them, what happens?</b>  23 A. It depends on --  24 MS. GRIFFIN: Object to form.  25 A. It depends on what -- what SOP, what -- you know,</p>
Page 27	Page 29
<p>1 <b>service. So I pick you and you. Go.</b>  2 A. They can do that sometimes, or I think there is  3 also kind of an automatic generating of their -- their  4 system they have will automatically recommend officers  5 sometimes, I think.  6 <b>Q. That makes sense.</b>  7 A. So it could also be that.  8 <b>Q. Does it show when they arrived on scene on this</b>  9 <b>first page? When I say they, for the record, I mean</b>  10 <b>Bludworth and Wright.</b>  11 A. When they arrived on scene. It shows Bike 46 on  12 scene at 19:41, and I believe that that would have been the  13 same time Bludworth would have been on scene. I could be  14 mistaken. So you still don't even have him logged on scene  15 yet, according to these CADS.  16 Frank 423, that's Katherine Wright, I believe.  17 Yes. It shows her on scene at 19:42, on scene 19:42 for  18 Bludworth.  19 <b>Q. This CAD shows that O'Guin actually got on scene</b>  20 <b>first?</b>  21 A. Yes, four minutes -- three minutes. So there is  22 discrepancies in these CADS. It can only be entered --  23 logged as quick as possible, you know.  24 <b>Q. Would there be a more accurate record?</b>  25 A. I would say probably just the audio tapes and</p>	<p>1 I guess they have them broken down into basically  2 sanctions. So you could get a verbal reprimand, you could  3 get a letter of reprimand. It goes all the way to  4 termination. It just depends. It's Sanctions 1 to 7.  5 <b>Q. At the time of this incident, you were Officer</b>  6 <b>Bludworth's supervisor; correct?</b>  7 A. Correct.  8 MS. GRIFFIN: Can you wait until she  9 finishes her question? You're kind of talking over one  10 another.  11 <b>Q. Sorry. I'm probably doing it too. You were his</b>  12 <b>supervisor at the time of the incident; right?</b>  13 <b>A. Yes.</b>  14 <b>Q. Does that mean that you review -- you reviewed</b>  15 <b>this incident to see if there were any violations that he</b>  16 <b>may have committed?</b>  17 A. I did not.  18 <b>Q. You did not?</b>  19 A. You mean after this?  20 <b>Q. That's right.</b>  21 A. No, I did not.  22 <b>Q. Why not?</b>  23 A. Well, because this is a major incident, and  24 that's going to be up to Internal Affairs for that, or the  25 detectives to review. I have not watched his video. I</p>

8 (Pages 26 to 29)

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Plaintiff's Motion for Summary Judgment  
Exhibit 8, Page 5 of 14



Hope Irvin, et al. v. Katherine Wright, et al.  
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November 24, 2015  
15cv00550 SCY-KBM

<p style="text-align: right;">Page 30</p> <p>1 have not spoken to him about it, about the details on this, 2 just because I knew -- well, it usually goes litigation, 3 so -- 4 <b>Q. But are you supposed to? I mean, as his</b> 5 <b>supervisor, are you supposed to say, hey, you did this</b> 6 <b>right, and you did this wrong when it comes to a particular</b> 7 <b>way that an officer responds to a call?</b> 8 A. I would say no. I'd say that, one, I don't have 9 free access to this -- to the -- to the videos. The 10 reports were probably not accessible to me too. So no, I'm 11 not required to -- to dissect what he did and try to 12 evaluate it. 13 Certainly through the investigation of detectives 14 and the Internal Affairs, if things come to light, there 15 were policy violations, then Internal Affairs would handle 16 that. 17 <b>Q. So is it just because of the nature of this call</b> 18 <b>that you didn't -- you didn't perform that review of him?</b> 19 A. No. I'm not sure on that. This is an incident 20 that would have gone to Internal Affairs. So if any 21 violations of policy were seen, they would -- they would 22 initiate the investigation on that. As a field sergeant, I 23 think the most discipline I can even hand down is a verbal 24 reprimand. 25 <b>Q. Do you know if there is -- if IA is specifically</b></p>	<p style="text-align: right;">Page 32</p> <p>1 <b>interactions with mentally ill. So if an officer is</b> 2 <b>trained at the academy that if you suspect that an</b> 3 <b>individual is mentally ill, and you're responding to that</b> 4 <b>call, you have to do X, Y and Z.</b> 5 This is the training in that regard, and that 6 officer gets to the call and deviates from that training or 7 otherwise doesn't follow that training, what -- how is that 8 discovered, A, and B, how is it remedied? 9 MS. GRIFFIN: Object to form. 10 <b>Q. Does that question make sense? It was compound.</b> 11 A. Yeah. I'm not -- can you give me the question? 12 I'm not sure. 13 <b>Q. Let me break it down a little bit. Absolutely.</b> 14 <b>So an officer goes to the academy, and he receives training</b> 15 <b>on how to interact with persons with mental disabilities.</b> 16 <b>In addition to that training, the officer also has Standard</b> 17 <b>Operating Procedures that they're responsible for in</b> 18 <b>regards to dealing with persons with mental disabilities;</b> 19 <b>correct?</b> 20 A. Correct. 21 <b>Q. So if an officer -- now the officer has</b> 22 <b>graduated, say Bludworth. Let's talk about Bludworth, and</b> 23 <b>he goes to a call involving someone who is suspected of</b> 24 <b>having a mental disability. He arrives at that call, and</b> 25 <b>the way that he interacts with that subject or responds to</b></p>
<p style="text-align: right;">Page 31</p> <p>1 <b>tasked with looking for how an officer may have violated a</b> 2 <b>particular SOP or training protocol?</b> 3 A. On this? 4 <b>Q. Yes, sir.</b> 5 A. On this, yes. They would be -- they would have 6 to do an investigation also. 7 <b>Q. Do you know the results of those investigations</b> 8 <b>in this regard?</b> 9 A. I do not. 10 <b>Q. Were you ever aware that the DA's Office made the</b> 11 <b>police reports, the investigation, such as even the IA</b> 12 <b>statements given by the officers, as well as the videos --</b> 13 <b>do you know that the DA's Office posts those on their</b> 14 <b>website?</b> 15 MS. GRIFFIN: Objection; form and 16 foundation. 17 A. I don't know. I believe they released 18 information on it, yes. 19 <b>Q. Yes.</b> 20 A. But I don't know exactly what. 21 <b>Q. So officers receive some training on APD SOPs,</b> 22 <b>but not every single one and word for word?</b> 23 A. Correct, but they're responsible for every one. 24 <b>Q. They're responsible for every one. An officer is</b> 25 <b>trained in a particular area -- and let's just narrow it to</b></p>	<p style="text-align: right;">Page 33</p> <p>1 <b>that call deviates from the way that he was trained.</b> 2 MS. GRIFFIN: Object to form and foundation. 3 <b>Q. If that is the case -- and I'm not -- I'm not</b> 4 <b>asking you to say yes, that's the case, but just</b> 5 <b>hypothetically, if that was the case, how is -- how is that</b> 6 <b>learned? Is it through review of the police report or</b> 7 <b>talking to the officer? How do you learn that he deviated</b> 8 <b>from the training?</b> 9 A. Well, you could by review of the report, by lapel 10 videos, by what the officer tells you. You could learn of 11 those -- if there were mistakes or violations. 12 <b>Q. Now, if there were mistakes or violations or a</b> 13 <b>deviation from the training, what happens next?</b> 14 A. Well, it would depend on the severity of the 15 sanction. It could be a matter of documenting a 16 retraining, even if you and the -- you know, as a sergeant 17 and an officer, just retrained on the SOP or scenarios or 18 send him to CIT. There is a bunch of things, or it could 19 go -- and you could be sanctioned, get a letter of 20 reprimand on whatnot. I mean, there is a multiple -- 21 multiple things could be done. 22 <b>Q. Do you know if at the time of this incident,</b> 23 <b>Officer Bludworth would have received some CIT training in</b> 24 <b>the academy if he was in the academy?</b> 25 <b>A. Yes. They receive CIT training in the academy,</b></p>

9 (Pages 30 to 33)

Trattel Court Reporting & Videography  
505-830-0600

Plaintiff's Motion for Summary Judgment  
Exhibit 8, Page 6 of 14

Hope Irvin, et al. v. Katherine Wright, et al.  
Steve Altman

November 24, 2015  
15cv00550 SCY-KBM

Page 34

1 but I don't believe it is actual certification. They would  
2 then have to take the certified CIT class, which, I  
3 believe, is the same that they received in the academy.  
4 I'm not a hundred percent sure on that.  
5 Q. So let's go to this incident. You know about  
6 this incident; correct?  
7 A. Correct.  
8 Q. And you know what generated the call for this  
9 incident; correct?  
10 A. Yes.  
11 Q. Tell me what you believe to be what generated the  
12 call for this incident. I just want to make sure we're on  
13 the same page on that.  
14 A. I believe a security officer saw this subject.  
15 It sounded like he had dealt with him many times before,  
16 and that he had some sort of blade and was threatening  
17 people with it, and then it kind of sounded like lost  
18 visual of him and gave a direction of travel, and that was  
19 it.  
20 Q. Did you review Blutworth's statement of what  
21 happened?  
22 A. Of this incident?  
23 Q. Yes, sir.  
24 A. No, I have not.  
25 Q. When you arrived on scene, did you get a briefing

Page 36

1 you have responded to this call?  
2 MS. GRIFFIN: Object to form.  
3 Q. Knowing what you just told me, what you believe  
4 the dispatch -- what generated the call, the facts that  
5 generated the call.  
6 A. How would I have handled it as a patrolman? Is  
7 that your question?  
8 Q. Yes.  
9 A. I would have proceeded to the call, ensured that  
10 I had backup and tried to locate the individual.  
11 Q. How would you have ensured that you had backup?  
12 A. Just by hearing on the radio where the officers  
13 were coming from and them advising over the radio. Are  
14 they on scene, or do I see them down the street?  
15 Q. Okay. If you located the subject, would you have  
16 waited in your car until the backup officers arrived?  
17 A. It would depend. It depends on the situation.  
18 Q. If the subject that you located was an elderly or  
19 above age 60-year-old African American male, such as  
20 Vincent Wood, who was standing out -- had just come outside  
21 of a convenience store, not carrying any weapons, not  
22 threatening or screaming at anyone, would you have waited  
23 for backup to arrive?  
24 MS. GRIFFIN: Object to form.  
25 A. It would -- it would depend. The main thing that

Page 35

1 on what had happened?  
2 A. Not really, no.  
3 Q. You had said earlier that you were a CIT-trained  
4 officer?  
5 A. Correct.  
6 Q. And prior to that, you were still an officer, but  
7 you weren't a CIT officer; correct?  
8 A. Correct.  
9 Q. But you had received training at the academy on  
10 CI -- on interaction with persons with mental  
11 disabilities?  
12 A. I also took a 40-hour certification class.  
13 Q. Did you receive training at the academy in  
14 regards to the American With Disabilities Act?  
15 A. I don't recall.  
16 Q. Do you recall reviewing Standard Operating  
17 Procedures on American With Disabilities Act?  
18 A. In the academy?  
19 Q. In the academy or otherwise out of the academy.  
20 A. Yes. I'm not sure when, but I believe we  
21 reviewed that sometime. I can't tell you for sure.  
22 Q. Steve, I want you to tell me that -- if you were  
23 an officer, not who you were, but on the date of the  
24 incident, if you were just a PIC officer, and you had heard  
25 this call, and you were dispatched to this call, how would

Page 37

1 I would -- that would be my determining factor, I guess,  
2 would be that I would approach him if I felt that other  
3 people were in danger, or he could run back in the store  
4 and hurt people.  
5 I mean, that would be -- if they were out in the  
6 middle of nowhere in the mesa, probably not; where a  
7 convenience store, I might. I might go out there and try  
8 to detain him or stop him from getting close to other  
9 people if he was, in fact, threatening people with knives.  
10 Q. If you pulled up to the convenience store, and he  
11 was just coming out of the store and not holding any  
12 weapons or threatening anyone, just the normal person  
13 standing there, how would you -- how would you have  
14 interacted with him?  
15 A. If I --  
16 MS. GRIFFIN: Object to form.  
17 A. You're saying if I pulled up, and he just kind of  
18 happened to come right out of the store?  
19 Q. Yes. I'm giving you the facts as I know them as  
20 they actually occurred.  
21 A. Okay.  
22 Q. So I'm trying to move away from a hypothetical to  
23 the real situation. So let me step back a little bit.  
24 Would you have had your emergency equipment engaged, your  
25 lights and sirens?

10 (Pages 34 to 37)

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Plaintiff's Motion for Summary Judgment  
Exhibit 8, Page 7 of 14

Hope Irvin, et al. v. Katherine Wright, et al.  
Steve Altman

November 24, 2015  
15cv00550 SCY-KBM

<p style="text-align: right;">Page 42</p> <p>1 tunnel vision. I think that his basic instinct of to help 2 people, to protect people, to clear people out of the way 3 on calls had kicked in, and he was trying to get people out 4 of there for their safety because of a man with a knife 5 being attacked and gunshots being fired. 6 I think that's why he did that, was to get the 7 people out of the way because he felt -- just his basic 8 instinct of a policeman. I don't think it was in any way 9 to have witnesses leave. I don't think that even was going 10 through his mind. 11 <b>Q. But you agree with me watching the video that</b> 12 <b>Mr. Wood no longer posed a threat at the time --</b> 13 A. Correct. 14 <b>Q. -- Officer Bludworth said that; right?</b> 15 A. Well, I didn't see the video of him. I don't 16 know where he was. All I saw was Bludworth kind of 17 going -- it looked like north to whatever subjects would 18 have been, I guess, in the down range of bullets that would 19 have been fired, that he was trying to get them to leave 20 for safety reasons. 21 <b>Q. But what was the safety concern at that time?</b> 22 <b>Mr. Wood was already shot.</b> 23 A. I don't think there was a safety concern at that 24 time. I just think that that's what was going through his 25 mind.</p>	<p style="text-align: right;">Page 44</p> <p>1 <b>You respond to the scene, and you're like this</b> 2 <b>is -- this person is clearly mentally disabled and having</b> 3 <b>some issues. I'm going to take them to -- you know, to the</b> 4 <b>hospital. Do you then refer that case or that person to</b> 5 <b>COAST?</b> 6 A. Not necessarily. 7 <b>Q. What do you mean not necessarily?</b> 8 A. I would usually -- the report would just be 9 forwarded to the Crisis Intervention Team, and then from 10 there, they would make arrangements to either handle it or 11 assign it to COAST. 12 <b>Q. Now, when the Crisis Intervention Team receives a</b> 13 <b>particular call like you've just said or a report, what do</b> 14 <b>they do with it?</b> 15 MS. GRIFFIN: Objection; form and 16 foundation. 17 <b>Q. Do you know any of this from your experience?</b> 18 <b>You said you were a CIT certified officer.</b> 19 A. Correct. 20 <b>Q. So I'm just asking you, in your experience and</b> 21 <b>training, what you know.</b> 22 A. I was also a CIT area sergeant coordinator. I 23 would basically get the reports from all the patrolmen in 24 my area command and disseminate them to the CIT unit. From 25 there, I don't know what they did. They would usually try</p>
<p style="text-align: right;">Page 43</p> <p>1 <b>Q. Okay. Fair enough. All right. So what do you</b> 2 <b>know about the COAST program?</b> 3 A. The COAST program, I believe, is civilians that 4 are paid. They are given excess training in dealing with 5 people in crisis. They go out to home visits for families 6 that are in crisis of maybe someone who -- a family member 7 is mentally ill, or they just try and help in other ways to 8 reduce calls for service at a residence, also. Crisis 9 outreach -- I forget exactly what it stands for. Crisis 10 outreach something team. 11 <b>Q. Have you ever had the occasion to work with</b> 12 <b>COAST?</b> 13 A. Not really. As a patrolman, if I knew that COAST 14 could maybe assist a family in crisis, that I would -- and 15 there was no emergency before I left, I would give them a 16 card and a number of -- you know, contact the COAST unit 17 and maybe they can help you. That's about the extent of 18 it. 19 <b>Q. It's like you're reading my mind. That was going</b> 20 <b>to be my next question. If you see that an individual --</b> 21 <b>like if you go to a call, and you see that an individual</b> 22 <b>like -- let me give you an example. Let's say that there</b> 23 <b>is a call saying there is this man who's taken all of his</b> 24 <b>clothes off, and he is walking around the parking lot</b> 25 <b>naked, talking to himself.</b></p>	<p style="text-align: right;">Page 45</p> <p>1 to assign -- like if we had a particular address where a 2 man or a woman was constantly calling police for things 3 that was really absorbing our resources of patrolmen going 4 there, that they would try and do a house visit, because 5 what we wanted was the person to get help and not 6 necessarily be calling police for matters that were not a 7 police matter. 8 <b>Q. Have you ever had the occasion -- or do you know</b> 9 <b>what it looks like if there has -- if there has been a</b> 10 <b>particular person that is in the system, such as a known</b> 11 <b>person with disabilities, mental health disabilities, and</b> 12 <b>they're in the system, what does that look like?</b> 13 A. In the system, I do not know. 14 <b>Q. Is there a situation in which you can look for --</b> 15 <b>you know, you receive a call, and they -- and then you look</b> 16 <b>and say, okay, well, this person is on our CIT watch list</b> 17 <b>or some sort of -- I mean, I don't know what that's called.</b> 18 A. Correct. 19 <b>Q. Is it called CIT watch list or --</b> 20 A. No. I'm not sure what it's called, but -- 21 <b>Q. You know what I'm talking about?</b> 22 A. -- we would not have had access -- patrolman 23 would not have had access to that before going to this 24 call. 25 <b>Q. How do patrolmen know -- how are they given</b></p>

12 (Pages 42 to 45)

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Plaintiff's Motion for Summary Judgment  
Exhibit 8, Page 8 of 14



Hope Irvin, et al. v. Katherine Wright, et al.  
Steve Altman

November 24, 2015  
15cv00550 SCY-KBM

<p style="text-align: right;">Page 46</p> <p>1 <b>knowledge about a particular person who has a mental health</b> 2 <b>disability, and that that person is on some sort of list?</b> 3 A. At that time, it would have been only if dispatch 4 advised them that, hey, we have information about him, and 5 somehow they're connecting it to other CADS, things like 6 that. Now we have the Realtime Crime Center, which is 7 helping, which is relaying information to the officers, and 8 they are creating some sort of database that will be 9 accessible to them, so that then they can broadcast that 10 information to the responding units. 11 <b>Q. Okay. All right.</b> 12 A. But for the officer to stop, pull over, take the 13 time to try and pull up this database and gather 14 information, that may not be the smartest thing if someone 15 is threatening people with knives. What if he's assaulted 16 people, and you're trying to figure out who he is? 17 Sometimes that may not have been -- you may not have had 18 that luxury in time. 19 <b>Q. Are you aware that Officer Bludworth actually</b> 20 <b>drove by the particular bus stop where the two individuals</b> 21 <b>who had allegedly been threatened were?</b> 22 A. No. 23 MS. GRIFFIN: Objection; form and 24 foundation. 25 A. I did not know that.</p>	<p style="text-align: right;">Page 48</p> <p>1 holds on -- medical holds on people. 2 They're just taking the whole program to another 3 level that an actual patrolman doesn't have time to do. 4 His responsibility is calls for service. They're also to 5 help train the department in crisis intervention material, 6 things of that nature, trying to reduce calls for service 7 for particular addresses for the patrolmen. 8 <b>Q. Let's mark as Exhibit 2 -- let's go through some</b> 9 <b>of these exhibits.</b> 10 MS. CARPENTER: So, Stephanie, here is what 11 I would like to do, is I would like to have one exhibit 12 binder where we just have continuing exhibits. We can go 13 off the record. Sorry. 14 (A discussion was held off the record.) 15 <b>Q. Exhibit 2 will be -- I've made yours single</b> 16 <b>spaced -- the original single spaced, but then Stephanie</b> 17 <b>and I have the double spaced copies. Exhibit 2.</b> 18 <b>(Exhibit 2 was marked for</b> 19 <b>identification.)</b> 20 <b>Q. Exhibit 1 is the CADS. Exhibit 2 will be 2-13.</b> 21 <b>That's the SOP on mentally ill. When was the last time you</b> 22 <b>recall seeing this SOP?</b> 23 A. I do not know. 24 <b>Q. This is Standard Operating Procedure 2-13. It</b> 25 <b>was effective 1/9 of '13. I want you to take the time to</b></p>
<p style="text-align: right;">Page 47</p> <p>1 <b>Q. Are you aware that he drove by these two</b> 2 <b>individuals and saw that they were not in -- and using his</b> 3 <b>words, in any apparent distress, so he didn't stop and</b> 4 <b>speak to these people. He went on to the convenience store</b> 5 <b>to locate Mr. Wood. Are you aware of that?</b> 6 A. I am not. 7 MS. GRIFFIN: Objection to the form and 8 foundation. 9 A. I'm not sure if he would have had enough time to 10 necessarily determine that, other than just visually 11 quickly looking, but -- I mean, because this all occurred 12 very rapidly. 13 <b>Q. What were you told is the purpose of CIT? What's</b> 14 <b>the -- if you could say what the purpose of CIT is, what</b> 15 <b>would you say?</b> 16 A. The Crisis Intervention Team would just be -- the 17 team or the certified officers or -- I'm not sure what 18 you're asking. 19 <b>Q. What's the purpose of the -- yes, just the team,</b> 20 <b>Crisis Intervention Team?</b> 21 A. The team would be to do more than the average 22 patrolman could do. They would dedicate their entire 23 workweek to people in crisis, whether making house visits 24 or building a network among doctors and getting referrals 25 to people to get help that they need, transporting, putting</p>	<p style="text-align: right;">Page 49</p> <p>1 take a look at this and scan it, because I'm going to be 2 asking you if it's what you recall being trained on. 3 A. This exact one, no. Like I said, I was trained 4 through -- it probably would have been 2003. 5 <b>Q. But as of 2013, like you said, you, as well as</b> 6 <b>any officers on duty, were responsible to know this --</b> 7 A. Correct. 8 <b>Q. -- regardless of whether you were directly</b> 9 <b>trained on it; correct?</b> 10 A. Correct. 11 <b>Q. Steve, do you agree with me that there is no</b> 12 <b>doubt that Mr. Wood was suspected of being mentally ill at</b> 13 <b>the time of dispatch?</b> 14 A. That we should have known he was mentally ill; is 15 that what you're asking? 16 <b>Q. That it was suspected that he was mentally ill.</b> 17 A. Yes. I would say suspected. 18 <b>Q. If you want to use another word, that's fine. I</b> 19 <b>mean --</b> 20 A. I believe so, yes. I think that even the 21 security guard had indicated that he has dealt with him and 22 known him to be -- have a violent history. 23 <b>Q. And so according to this Standard Operating</b> 24 <b>Procedures -- or Standard Operating Procedure, it seems</b> 25 <b>that you're supposed to -- and this starts -- you start</b></p>

13 (Pages 46 to 49)

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Plaintiff's Motion for Summary Judgment  
Exhibit 8, Page 9 of 14

Hope Irvin, et al. v. Katherine Wright, et al.  
Steve Altman

November 24, 2015  
15cv00550 SCY-KBM

<p style="text-align: right;">Page 50</p> <p>1 seeing this on Page 2 or -- yes, Page 2, Number 1. Let's 2 recognize the abnormal behavior; Number 2, determining the 3 danger; and Number 3, handling the mentally ill, suspected 4 mentally ill. That starts on Page 3. Do you see that? 5 A. No. Page 3, you're saying -- 6 Q. Page 3, and it's 2-13-03. It says, "If the 7 officer determines that a subject may be mentally ill, the 8 officer will attempt to respond in the following manner: 9 Ensure that the backup officers are present before taking 10 any action." Do you see that? 11 A. So what's your question? 12 Q. Do you agree with this Standard Operating 13 Procedure that responding officers should ensure that a 14 backup officer is present before taking any action? 15 MS. GRIFFIN: Object to form. 16 A. I think there is a lot of circumstances that that 17 would be applicable to. I think that there is -- there is 18 a lot of variables that go into these. These are -- 19 operating procedures are not exact. Not everything is how 20 it happens out there. 21 I think the majority of this SOP on how to 22 respond to people in crisis are not necessarily when it's 23 an emergency and people's lives are in danger or -- I think 24 it's more someone is maybe at a bus stop doing this, and no 25 one is around or something, you know, because to take the</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. In speaking to Mr. Wood, again, if Mr. Wood is 2 still in that same situation as I just described -- or 3 before speaking to Mr. Wood, should he have told everyone 4 in there was a crowd around to please step back before even 5 interacting with Mr. Wood? 6 MS. GRIFFIN: Objection; form and 7 foundation. 8 A. He could have done that, yes. 9 Q. When he arrives on scene, and he sees that 10 Mr. Wood is not a threat, like I just said, should he have 11 waited, knowing, according to the CAD, that O'Guin 12 announces that he's on scene, for O'Guin who is the CIT 13 officer that was called as backup, to interact with 14 Mr. Wood? 15 A. He could have. 16 MS. GRIFFIN: Objection; form and 17 foundation. 18 Q. Should he have spoken to Mr. Wood in a quiet, 19 nonthreatening manner? 20 A. He could have. 21 MS. GRIFFIN: Objection; form and 22 foundation. 23 Q. So you're saying he could have. You're saying he 24 could have because if there was no imminent or immediate 25 threat of danger or harm to anyone, that he certainly could</p>
<p style="text-align: right;">Page 51</p> <p>1 time to gather intel on, you know, contacting family and 2 friends, I mean, you may not have that time. That's if you 3 have time, and there is no other emergency. 4 Q. Just to be clear, I'm just talking about this 5 very first section here. It's 2-13-03, Section A, B and C, 6 just those three elements. If the subject -- and I'm going 7 to give you -- this is what I believe to be the case. A 8 subject like Mr. Wood has exited a convenience store, has 9 no weapons in his hand. 10 There is convenience store video footage showing 11 him in the store, coming out of the store calm, not 12 agitated, wearing a backpack, not carrying any weapons in 13 his hands, not verbally threatening or physically 14 threatening anyone when Bludworth arrives on scene with 15 lights and sirens, and when Bludworth arrives on scene with 16 his lights and sirens, and he sees -- identifies the 17 subject as Mr. Wood, who is not threatening anyone, should 18 he have then turned off his lights and his sirens if he 19 says, well, this person is mentally ill, suspected of being 20 mentally ill? Let me -- he's not -- there is no imminent 21 danger. Let me turn off my lights and sirens. Should he 22 have done that? 23 MS. GRIFFIN: Objection; form and 24 foundation. 25 A. I would say he could have done that, yes.</p>	<p style="text-align: right;">Page 53</p> <p>1 have implemented these procedures as set forth in this 2 Standard Operating Procedure? 3 MS. GRIFFIN: Objection; form and 4 foundation. 5 A. He could have, but also -- what could have also 6 been going -- or going through Officer Bludworth's mind is 7 that he was a threat to people. He was assaulting people 8 with knives, so his response could have been more of a 9 quicker response. 10 Q. Were you told as a CIT officer why it's important 11 to communicate with -- interact and communicate with 12 persons with mental disabilities in the following manner as 13 we've just discussed? 14 A. Yes, so that, you know, you can try to, you know, 15 avoid violence or unneeded violence or escalate the 16 situation. 17 Q. How does Albuquerque Police Department reasonably 18 accommodate people who have mental disabilities? 19 MS. GRIFFIN: Objection; form and 20 foundation. 21 A. That's kind of a vague question. You'd have to 22 give me a greater, more detailed situation. 23 Q. If there is a call that comes out like this that 24 says this person has a mental disability, how does APD 25 accommodate that?</p>

14 (Pages 50 to 53)

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Plaintiff's Motion for Summary Judgment  
Exhibit 8, Page 10 of 14

Hope Irvin, et al. v. Katherine Wright, et al.  
Steve Altman

November 24, 2015  
15cv00550 SCY-KBM

<p style="text-align: right;">Page 54</p> <p>1 MS. GRIFFIN: Objection; form and 2 foundation. 3 A. They would send at minimum two officers to the 4 scene and preferably a CIT officer. Now we would have a 5 Realtime Crime Center, which would try to gather 6 information as officers were responding to the call to 7 maybe voice more information over the radio. Sometimes it 8 helps. Sometimes there is just not time. Every situation 9 is different. 10 Q. Do you believe, Steve, that by following the 11 Standard Operating Procedures and specifically the 12 provisions that are set forth therein that I just went over 13 with you -- do you feel like that's another way that APD 14 accommodates persons with mental illness? 15 MS. GRIFFIN: Objection; form and 16 foundation. 17 Q. The way that they interact? In other words, we 18 have the Standard Operating Procedure that says, hey, here 19 is how you interact with people. Here is how you handle 20 the mentally ill, suspected mentally ill, when you read 21 this Standard Operating Procedure, you looked at this, is 22 this another way that APD accommodates the mentally ill, so 23 that they can be in compliance with the American With 24 Disabilities Act, which sets forth that law enforcement 25 agencies have to make reasonable accommodations for persons</p>	<p style="text-align: right;">Page 56</p> <p>1 A. But it could. 2 Q. Tell me how it could. 3 A. He could grab the knives and run right back into 4 the grocery store and start assaulting people, and that 5 could happen that fast, so -- 6 Q. But Mr. Bludworth didn't know that; correct? 7 A. No. 8 MS. GRIFFIN: Objection; form and 9 foundation. 10 Q. Mr. Bludworth is judged by an objective 11 reasonable standard, correct, as an officer; correct? 12 A. Correct. 13 MS. GRIFFIN: Objection; form and 14 foundation. 15 Q. He is not judged as a reasonable civilian, 16 correct, under the law? 17 A. Correct. 18 Q. So as a reasonable officer handling the situation 19 when he arrives there, if there is no immediate threat to 20 anyone's life or safety, shouldn't he follow this Standard 21 Operating Procedure that requires him to do these things in 22 handling someone who is suspected of being mentally ill? 23 MS. GRIFFIN: Objection; form and 24 foundation. 25 A. I can't say what Officer Bludworth would do. I</p>
<p style="text-align: right;">Page 55</p> <p>1 who have mental -- who are suspected of having mental 2 illness? 3 MS. GRIFFIN: Objection; form and 4 foundation. 5 A. I think this is a guidelines on how to handle 6 people with mental disabilities. I think that it certainly 7 does not pertain to every situation. There is a lot of 8 variables to all these situations, and I don't necessarily 9 know that this is proper if -- if immediate life is in 10 danger, if someone is actively doing something to someone. 11 Q. Tell me more about that. What would Mr. Wood 12 have had to be doing in order to allow Mr. Bludworth to 13 deviate from this SOP? 14 MS. GRIFFIN: Objection. 15 Q. You've used a couple of times in this deposition 16 that phrase, immediate danger, immediate threat to the 17 lives and safety of others. Can you give me some examples 18 of what that means? I mean, standing outside of a Circle 19 K, for example, with your backpack on, not verbally or 20 physically threatening anyone, is that -- does that 21 constitute an immediate threat, that Mr. Wood is an 22 immediate threat to the life and safety of others? 23 A. No. 24 MS. GRIFFIN: Objection; form and 25 foundation.</p>	<p style="text-align: right;">Page 57</p> <p>1 know that maybe he was just trying to locate him, and he 2 happened to, you know, locate him, and he was too close to 3 him. I don't know. I mean, there was no guarantee -- if 4 you look at the CADs, it shows that he was at the Azuma -- 5 Azuma's -- you know, I forget what that is, but Chinese 6 restaurant. 7 Q. I think it's a sushi restaurant. Yes. 8 A. Yeah, Sushi restaurant, and maybe he turns in, 9 and he's looking at Azuma's, and, oh, he's right in front 10 of me. Here he is at the Circle K. I mean, I don't know. 11 I don't know what Officer Bludworth did. If practical, 12 yes, you would handle people with mental illness the way 13 that this SOP is stating, but there is variables in life, 14 and it doesn't always apply. 15 Q. I understand what you're saying, Steve. I get 16 what you're saying. I'm just trying to figure out -- I 17 really am trying to understand how APD articulates or -- 18 not even articulates Standard Operating Procedures, but how 19 does APD accommodate persons with mental health disorders. 20 Let's say Mr. Wood was deaf, he couldn't hear at 21 all, and Mr. Bludworth didn't know that he was deaf. He 22 just thought he had mental health disorders, and he gets on 23 scene, and Mr. Wood doesn't seem to be understanding 24 anything he's saying. 25 Hey -- he yells out, Hey, minister. Hey sir, I</p>

15 (Pages 54 to 57)

Trattel Court Reporting & Videography  
505-830-0600

Plaintiff's Motion for Summary Judgment  
Exhibit 8, Page 11 of 14

Hope Irvin, et al. v. Katherine Wright, et al.  
Steve Altman

November 24, 2015  
15cv00550 SCY-KBM

<p style="text-align: right;">Page 58</p> <p>1 need to talk to you, and the person ignores him. How are 2 you trained to deal with that at the academy? Are you guys 3 trained, hey, someone doesn't respond to you, they may be 4 deaf?</p> <p>5 MS. GRIFFIN: Objection; form and 6 foundation.</p> <p>7 A. That's -- again, there are so many variables in 8 this line of work that -- that it's impossible to write 9 SOPs on exactly how every situation of every incident 10 should -- should play out, and that's one example. Yes. 11 Well, what if he was deaf, you know?</p> <p>12 Q. Right. Okay. So let me just ask the question 13 again now that we've talked about all this. I know that 14 you answered, one way is -- one way APD accommodates people 15 mentally ill in accordance with the ADA is to dispatch CIT. 16 That's one of the ways that you said.</p> <p>17 MS. GRIFFIN: Object -- 18 MS. CARPENTER: I'm sorry, Stephanie. 19 MS. GRIFFIN: Let me just say objection; 20 form.</p> <p>21 Q. Are there any other ways that you can think of 22 that you know of how APD reasonably -- provides reasonable 23 accommodation in regards to the mentally ill? 24 MS. GRIFFIN: Objection; form and 25 foundation.</p>	<p style="text-align: right;">Page 60</p> <p>1 go back to the July 2013?</p> <p>2 MS. GRIFFIN: Object to form.</p> <p>3 A. He should.</p> <p>4 Q. Okay. I appreciate that. Do you recall what 5 kind of instruction was received by you, and if you know, 6 how Bludworth may have been instructed on how to provide 7 reasonable accommodations under the American With 8 Disabilities Act?</p> <p>9 A. Like what was he trained on?</p> <p>10 Q. Yes. In other words -- 11 A. I don't know.</p> <p>12 Q. -- here is how you reasonably accommodate a 13 mentally ill person in accordance with the American With 14 Disabilities Act?</p> <p>15 A. I can't testify or speak of how he was trained.</p> <p>16 Q. And then what about with you, Steve, how are you 17 trained in regards to that question?</p> <p>18 A. The ADA question?</p> <p>19 Q. Yes, sir.</p> <p>20 A. I believe it was at an MOE, a yearly biannual 21 training. I can't recall exactly what year, but it seems 22 moderately recent, within a couple years at least.</p> <p>23 Q. And what do you recall in that training? What do 24 you recall learning about in that training? 25 A. I guess that if someone has a disability that you</p>
<p style="text-align: right;">Page 59</p> <p>1 A. No. Just by the -- the guidelines.</p> <p>2 Q. Is there somebody else that would have more 3 knowledge about that particular question?</p> <p>4 A. I would say the Crisis Intervention Team would.</p> <p>5 Q. Anybody on the Crisis -- in particular on the 6 Crisis Intervention Team, Steve, that you can think of that 7 would say, hey, you know what, Frannie, ask -- ask this 8 person. This person is going to know. They wrote the 9 policies. Do you know what I'm saying? Who could I ask? 10 Because I don't want to -- you know, I appreciate all your 11 answers.</p> <p>12 A. Well, I think any of them could answer those 13 questions.</p> <p>14 Q. You think any of them?</p> <p>15 A. Any of them, any of the detectives, the sergeant 16 or the lieutenant probably could.</p> <p>17 Q. On the CIT?</p> <p>18 A. Correct.</p> <p>19 Q. Who is the main head person on the chain of -- 20 A. The lieutenant would be Glen St. Onge.</p> <p>21 Q. Glen St. Onge. Is that O- -- 22 A. O-N-G-E. Sergeant John Gonzales.</p> <p>23 Q. Do you think that -- and I know that I'm asking 24 you to sort of speculate here, but do you think that Glen 25 St. Onge -- would he have enough knowledge based on CIT to</p>	<p style="text-align: right;">Page 61</p> <p>1 have to try to make every effort to accommodate that 2 disability.</p> <p>3 Q. Did they go through the various accommodations 4 that you made? I know that APD has a Standard Operating 5 Procedure for deaf people in particular, just specifically 6 for deaf people and how you accommodate a deaf person. Do 7 they have it for people who are paralyzed --</p> <p>8 A. No.</p> <p>9 Q. -- or in wheelchairs or blind or have 10 schizophrenia?</p> <p>11 A. The only one that I know would be the SOP on 12 dealing with people who are deaf. I do know that one.</p> <p>13 Q. So you don't have any independent recollection 14 right now on any training that you may have received in 15 regards to providing reasonable accommodations for persons 16 who suffer from a mental health disorder under the ADA?</p> <p>17 A. Yeah. I believe it was, you know, things of -- 18 you know, also more on a civilian note, that if someone, 19 you know, has certain disabilities, and you could 20 accommodate it by, say, you know, you need to -- like 21 building codes, things of that nature. I remember things 22 like that, but I don't have any details.</p> <p>23 Q. Okay. I appreciate that. Steve, is any legal -- 24 let me give you a hypothetical here. I'm saying 25 hypothetical, but I'm saying it's actually what happened in</p>

16 (Pages 58 to 61)

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505-830-0600

Plaintiff's Motion for Summary Judgment  
Exhibit 8, Page 12 of 14

Hope Irvin, et al. v. Katherine Wright, et al.  
Steve Altman

November 24, 2015  
15cv00550 SCY-KBM

<p style="text-align: right;">Page 70</p> <p>1 <b>Q. Now, tell me about these monthly performance</b>  2 <b>evaluations. Tell me what you review and what you do to</b>  3 <b>create these evaluations.</b>  4 A. So these are -- I apologize. It said June is  5 when I first got them. That's because recently our bids  6 have been more pushed back to June, but maybe it was in  7 April then. So anywhere from April to June, our bids have  8 occurred.  9 <b>So the first month I would have got Bludworth</b>  10 <b>would have been in April of 2013.</b> This month, I did not  11 really have enough time to accurately evaluate all his  12 categories to make sure he was, you know, performing as a  13 solo beat officer. That's basically the standard, to use a  14 solo beat officer.  15 The next month, I met with him, and I saw no  16 issues. Every month, I would meet with him. I would fill  17 this form out. I would sign it, and he would sign it while  18 sitting there with me. I would then make a copy of it and  19 send it to operations to review and for the file.  20 This form, I don't know -- even know where I got  21 it from. It wasn't necessarily a standardized form, an SOP  22 form that we had to do. We were required to do these, but  23 there was no actual form, and actually, up until right now,  24 there is still not a standardized form that we use. This  25 is just the one I used.</p>	<p style="text-align: right;">Page 72</p> <p>1 different areas, that's how you would evaluate an  2 employee's performance.  3 <b>Q. If the officer has any comments, you would write</b>  4 <b>them into where it says "Officer Comments"?</b>  5 A. Correct.  6 <b>Q. I notice on none of these evaluations -- there</b>  7 <b>are no officer comments located on any of these.</b>  8 A. Correct.  9 <b>Q. Is that because Bludworth didn't make any</b>  10 <b>comments?</b>  11 A. Correct. And all his categories were  12 satisfactory. Initially, there were no DWI arrests his  13 first month, so I couldn't evaluate that category, but  14 after that, he made arrests. He made DWI arrests. So it  15 continued to be satisfactory in all of his performance  16 evaluations.  17 <b>Q. Let me go back to the April 2013 one. You said</b>  18 <b>that you didn't have enough time to properly evaluate.</b>  19 <b>Then why -- why wasn't that -- why was he given</b>  20 <b>satisfactory on these?</b>  21 A. Because, I guess, mainly the -- all the  22 categories were not checked off is why I put that, because  23 he made no DWI arrests.  24 <b>Q. Did you have enough time to properly evaluate his</b>  25 <b>calls for service?</b></p>
<p style="text-align: right;">Page 71</p> <p>1 Now, that is in the process. I believe we're  2 trying to try to standardize that form a little more, but  3 either way, every month, you were required to fill out some  4 sort of performance evaluation sheet on the officer who was  5 on probation, which I did, and meet with them and go over  6 any areas of concern.  7 <b>Q. So how are you able to -- on the very top here,</b>  8 <b>it says, Calls for service, on-site activities, report</b>  9 <b>writing -- you know, all of these things that it says, beat</b>  10 <b>integrity, citizen contact, how are you able to evaluate</b>  11 <b>and make these assessments of satisfactory or below</b>  12 <b>standards, for example?</b>  13 A. I think by listening to the radio, getting to  14 know your officers, reading the reports. Reports is a huge  15 one. You know, are you getting complaints of misconduct  16 from your officer and citizens, other officers complaining  17 about it? Approving criminal complaints, is he, you know,  18 correctly charging the right charges and doing the right  19 protocol? That's basically it.  20 I mean, policing is just a different kind of job  21 where you're not with everyone 24/7. You know, they have  22 their -- they're out, you know, in the field. So it's not  23 like this is an office setting, and you're my employee, and  24 I'm supervising you, and I'm across the desk 40 hours a  25 week. It's just they're not there. So by using all those</p>	<p style="text-align: right;">Page 73</p> <p>1 A. It was pretty -- in the beginning. I had no  2 issues arise. So I would say yes at the point, he was  3 performance satisfactory, but I also indicated that he was  4 recently assigned to my team. Due to the new bid, I have  5 not had enough time to accurately evaluate his performance  6 as of this date. I will continue to monitor his progress.  7 So I needed a little more time, but what I could evaluate,  8 he was satisfactory.  9 <b>Q. Let's move on to the July evaluation.</b>  10 A. May, June, July.  11 <b>Q. Do you see here where it says -- and these are</b>  12 <b>your comments, I'm assuming, supervisor -- "Officer</b>  13 <b>Bludworth was TDY." Did you write that?</b>  14 A. I did.  15 <b>Q. What does TDY mean?</b>  16 A. Actually, it means temporary duty yonder, is what  17 that means.  18 <b>Q. Temporary duty yonder?</b>  19 A. Correct. No one knows the Y stands for yonder,  20 but me, I guess.  21 <b>Q. I love it. That's great. What does that mean?</b>  22 A. That basically means he was assigned somewhere  23 else due to an incident that occurred at the beginning of  24 the month, which was the shooting. Right? Yeah, July.  25 <b>Q. Yes, that's right.</b></p>

19 (Pages 70 to 73)

Trattel Court Reporting & Videography  
505-830-0600

Plaintiff's Motion for Summary Judgment  
Exhibit 8, Page 13 of 14



Hope Irvin, et al. v. Katherine Wright, et al.  
Steve Altman

November 24, 2015  
15cv00550 SCY-KBM

Page 82	Page 84
<p>1 <b>Q. Now, tell me, when you first got on scene --</b>  2 <b>well, before you got on the scene, did you -- did you talk</b>  3 <b>to anybody about the incident before you arrived on scene?</b>  4 A. Before I arrived on scene?  5 <b>Q. Yes.</b>  6 A. No. How would I have talked to anyone?  7 <b>Q. Well, I didn't know if you like over the air were</b>  8 <b>talking to somebody, you know, on the way there, like, hey,</b>  9 <b>what's going on?</b>  10 A. No.  11 <b>Q. Here is what's happened?</b>  12 A. No.  13 <b>Q. None of that?</b>  14 A. No.  15 <b>Q. Were you just listening to the radio as you were</b>  16 <b>driving?</b>  17 A. Correct.  18 <b>Q. And I don't mean music.</b>  19 A. No, I wasn't. The radio.  20 <b>Q. When you got on scene, what was -- did you have</b>  21 <b>your lights and sirens activated?</b>  22 A. I did. After they called out shots fired, I  23 believe is when I began to turn lights and sirens on and  24 try and get there in a hurry.  25 <b>Q. Were you already on your way there?</b></p>	<p>1 know, listen to the radio and monitor it from the -- from  2 the radio, looking at the Ks and their computer call, and  3 he began to immediately drive to respond to the call,  4 because he's -- that's his job.  5 <b>Q. And what do you remember next happening? So</b>  6 <b>you're still at Rex's Hamburgers?</b>  7 A. Correct. Well, I'm in the parking lot. So then  8 the -- I think just over the radio, I heard "I think I  9 located the subject over here," and I think he called out  10 San Mateo and McLeod, and then someone -- I think dispatch  11 said, "Is it Circle K?" And he said, "10-4," and then that  12 was the last transmission, and it was immediately within --  13 I would say probably within a minute, less than a minute  14 that they say, you know, shots fired and secure the air  15 type thing, that officers are okay. So that's how fast it  16 happened.  17 <b>Q. So you arrive on scene.</b>  18 A. So yeah. I went out right onto Montgomery,  19 straight down San Mateo. I also knew I was close to this  20 incident, so it was -- I was there quickly. I know where  21 San Mateo and McLeod is. Proceeded to get there quickly,  22 and that's about the time, I think, my -- when I get there,  23 then my video is activated, and then you can see what I did  24 from there.  25 <b>Q. So I've watched your video and watched</b></p>
Page 83	Page 85
<p>1 A. No. I was still in the parking lot of San Pedro  2 and Montgomery.  3 <b>Q. What were you doing before you came to this call?</b>  4 A. Actually, Officer Bludworth and I were eating at  5 Rex's Hamburgers.  6 <b>Q. Oh, really?</b>  7 A. Correct.  8 <b>Q. So you were with him immediately before this?</b>  9 A. Correct.  10 <b>Q. And so were you with him when he left to respond</b>  11 <b>to this call?</b>  12 A. Yes.  13 <b>Q. When you guys were at Rex's Hamburgers, and you</b>  14 <b>got the call, did you guys say anything about the call?</b>  15 A. No.  16 <b>Q. He just said I'm going to respond?</b>  17 A. No. We basically walked out of the restaurant,  18 and he proceeded to get in his car and drive away. I  19 actually don't remember which direction he would have went  20 to the -- to the call. I don't know if he went down  21 Montgomery or if he went back up to San Pedro and around,  22 because there would be two ways he could get here.  23 I mean, he hightailed it faster than I would  24 have, that I was going. He got in his car and left. I  25 stayed on scene and -- or where I was at and began to, you</p>	<p>1 <b>Bludworth's, as well, a few times, and he's pretty shaken</b>  2 <b>up, it appears through the videos. His hands are shaking.</b>  3 <b>It sounds like he's getting emotional or already emotional</b>  4 <b>about it.</b>  5 <b>Did you do anything to -- was he -- in the video,</b>  6 <b>you see him say, "Hey, Serge," and I'm assuming he's</b>  7 <b>talking to you.</b>  8 A. Yes.  9 <b>Q. I hear you talking to him about whether or not he</b>  10 <b>has his video running, and you instruct him to continue to</b>  11 <b>keep his video running?</b>  12 A. Correct.  13 <b>Q. Are you the one that takes him to -- it looks</b>  14 <b>like he's put in the back of a unit. Is that your unit?</b>  15 A. Correct. You're talking -- you're referring to  16 my video?  17 <b>Q. Well, it's on his video, and his video he's got</b>  18 <b>running, and then also your video.</b>  19 A. So that does -- that does sound like my video.  20 Like I said, I have not seen Bludworth's, other than the  21 aftermath of going to the parking lot to the people. Other  22 than before, after I have not seen any of that. So I  23 assume you're referring to my video, which I have reviewed.  24 <b>Q. Right. Right.</b>  25 A. Yes. I -- so what's your question? Is that my</p>

22 (Pages 82 to 85)

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Plaintiff's Motion for Summary Judgment  
Exhibit 8, Page 14 of 14